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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,364	02/04/2002	Vyacheslav S. Belenko	CIT/K-0138	8168
34610	7590	01/08/2008	EXAMINER	
KED & ASSOCIATES, LLP			BROWN, CHRISTOPHER J	
P.O. Box 221200			ART UNIT	
Chantilly, VA 20153-1200			PAPER NUMBER	
			2134	
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			01/08/2008	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/061,364	<b>Applicant(s)</b> BELENKO ET AL.	
	<b>Examiner</b> Christopher J. Brown	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,11,13 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,11,13, 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The Request for Continued Examination has been accepted and entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 11, 13, 21-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 1 objected to because of the following informalities: The examiner would like to note that the "or" in step f, means that one or the other limitation must be met, but not both.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In step f claim 1 states "passing watermark-

added media data set and said decrypted media key to said displaying device" it is unclear if the media data is encrypted or not. Clarification is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11, 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Gruse US 6,398,245 in view of Lortz US 7,047,554

As per claims 1, 11, and 23 Sims III teaches a media distribution system in which the media data is encrypted with a symmetric key, (Col 10 lines 15-20, 53-60).

Sims III teaches distributing the symmetric media key by encrypting it with a public key (Col 10 lines 45-55). Sims III teaches decrypting said media key with a private key, and using said media key to exchange data, (Col 10 lines 55-65).

Sims III does not teach player identification or owner information based in watermark data.

Gruse teaches an owner watermark that identifies the owner and owner copy control information, (Col 11 lines 30-34). Gruse teaches a second watermark made by a player that includes the player identification and limitations on a

license purchased from the content owner, (Col 11 lines 33-37). Gruse teaches a player application that updates a watermark, thus adding a player watermark, with control information derived from said owner control information, (Col 11 line 23).

Lortz teaches performing a compliance test with a displaying device and if successful passing unencrypted data to the device (Col 6 lines 3-12, 25-35).

It would have been obvious to one of ordinary skill in the art to use the compliance test of Lortz with the media system of Sims so that a device can verify the destination device is able to use the media.

As per claims 2 Sims III teaches the public key uses an asymmetric algorithm, (Col 4 lines 6-8).

As per claim 21, 22, 25 Sims III teaches using watermark identification and copy-control information, (Col 15 lines 10-15, Col 21 lines 15-22).

**Claims 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Gruse US 6,398,245 in view Lortz in view of Ansell US 6,367, 019.**

The previous Sims III-Gruse-Lortz combination teaches a compliance test but fails to teach that the test is authentication.

Ansell teaches performing a compliance test where the devices authenticate each other and media is transferred only upon successful authentication (Col 2 lines 55-Col 3 line 15).

It would have been obvious to one of ordinary skill in the art to authenticate the end user player to prove trustworthiness before the transfer of media.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

1/04/08

A handwritten signature in black ink, appearing to read "Christopher J. Brown", with a stylized flourish at the end.